

House File 587 - Enrolled

PAG LIN

HOUSE FILE 587

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1 3 AN ACT
1 4 RELATING TO ADULT DAY SERVICES REGULATION, PROVIDING
1 5 PENALTIES, AND PROVIDING AN EFFECTIVE DATE.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 231D.1, Code 2005, is amended to read
1 10 as follows:
1 11 231D.1 DEFINITIONS.
1 12 For the purposes of this chapter, unless the context
1 13 otherwise requires:
1 14 1. "Adult day services", "adult day services program", or
1 15 "program" means an organized program providing a variety of
1 16 ~~health~~ health-related care, social services, and other related
1 17 support services for sixteen hours or less in a twenty-four=
1 18 hour period to two or more persons with a functional
1 19 impairment on a regularly scheduled, contractual basis.
1 20 2. "Contractual agreement" means a written agreement
1 21 entered into between an adult day services program and a
1 22 participant that clearly describes the rights and
1 23 responsibilities of the adult day services program and the
1 24 participant, and other information required by rule.
1 25 ~~2. 3.~~ "Department" means the department of elder affairs
1 26 created in chapter 231.
1 27 ~~3. 4.~~ "Functional impairment" means a psychological,
1 28 cognitive, or physical impairment creating the inability to
1 29 perform personal and instrumental activities of daily living
1 30 and associated tasks necessitating some form of supervision or
1 31 assistance or both.
1 32 ~~4. 5.~~ "Governmental unit" means the state, or any county,
1 33 municipality, or other political subdivision or any
1 34 department, division, board, or other agency of any of these
1 35 entities.
2 1 6. "Health-related care" means services provided by a
2 2 registered nurse or a licensed practical nurse, on a part-time
2 3 or intermittent basis, and services provided by other licensed
2 4 health care professionals, on a part-time or intermittent
2 5 basis.
2 6 7. "Medication setup" means assistance with various steps
2 7 of medication administration to support a participant's
2 8 autonomy, which may include but is not limited to routine
2 9 prompting, cueing and reminding, opening containers or
2 10 packaging at the direction of the participant, reading
2 11 instructions or other label information, or transferring
2 12 medications from the original container into suitable
2 13 medication dispensing containers, reminder containers, or
2 14 medication cups.
2 15 8. "Participant" means an individual who is the recipient
2 16 of services provided by an adult day services program.
2 17 9. "Participant's legal representative" means a person
2 18 appointed by the court to act on behalf of a participant, or a
2 19 person acting pursuant to a power of attorney.
2 20 10. "Personal care" means assistance with the essential
2 21 activities of daily living which may include but are not
2 22 limited to transferring, bathing, personal hygiene, dressing,
2 23 grooming, and housekeeping that are essential to the health
2 24 and welfare of a participant.
2 25 ~~5. 11.~~ "Recognized accrediting entity" means a nationally
2 26 recognized accrediting entity that the department recognizes
2 27 as having specific adult day services program standards
2 28 equivalent to the standards established by the department for
2 29 adult day services.
2 30 ~~6. 12.~~ "Social services" means services relating to the
2 31 psychological and social needs of the individual in adjusting
2 32 to participating in an adult day services program, and
2 33 minimizing the stress arising from that circumstance.
2 34 ~~7. 13.~~ "Supervision" means direct oversight and
2 35 inspection of the act of accomplishing a function or activity.
3 1 Sec. 2. Section 231D.2, Code 2005, is amended to read as
3 2 follows:
3 3 231D.2 PURPOSE == INTENT == RULES ~~== SPECIAL~~
~~3 4 CLASSIFICATIONS.~~
3 5 1. The purpose of this chapter is to promote and encourage

3 6 adequate and safe care for adults with functional impairments.
3 7 2. It is the intent of the general assembly that the
3 8 department of elder affairs establish policy for adult day
3 9 services programs and that the department of inspections and
3 10 appeals enforce this chapter.
3 11 3. The department shall establish, by rule in accordance
3 12 with chapter 17A, a program for certification and monitoring
3 13 of and complaint investigations related to adult day services
3 14 programs. The department, in establishing minimum standards
3 15 for adult day services programs, may adopt by rule in
3 16 accordance with chapter 17A, nationally recognized standards
3 17 for adult day services programs. The rules shall include
3 18 specification of recognized accrediting entities. The rules
3 19 shall include a requirement that sufficient staffing be
3 20 available at all times to fully meet a participant's
3 21 identified needs. The rules shall include a requirement that
3 22 no fewer than two staff persons who monitor participants as
3 23 indicated in each participant's service plan shall be awake
3 24 and on duty during the hours of operation when two or more
3 25 participants are present. The rules and minimum standards
3 26 adopted shall be formulated in consultation with the
3 27 department of inspections and appeals and affected industry,
3 28 professional, and consumer groups and shall be designed to
3 29 accomplish the purpose of this chapter.
3 30 4. ~~In addition to the adoption of standards and rules for~~
3 31 ~~adult day services programs, the department in consultation~~
3 32 ~~with the department of inspections and appeals and affected~~
3 33 ~~industry, professional, and consumer groups, shall issue~~
3 34 ~~interpretive guidelines, including the expectations of program~~
3 35 ~~certification monitors, to provide direction to adult day~~
4 1 ~~services programs in complying with certification~~
4 2 ~~requirements.~~
4 3 5. ~~4. The department may establish by administrative~~
4 4 ~~rule, special classifications for adult day services~~
4 5 ~~providers. The department of inspections and appeals shall~~
4 6 ~~issue separate certificates for each special classification~~
4 7 ~~for which a provider is certified. in accordance with chapter~~
4 8 ~~17A, specific rules related to minimum standards for dementia=~~
4 9 ~~specific adult day services programs. The rules shall be~~
4 10 ~~formulated in consultation with the department of inspections~~
4 11 ~~and appeals and affected industry, professional, and consumer~~
4 12 ~~groups.~~
4 13 Sec. 3. Section 231D.3, subsections 2, 4, and 5, Code
4 14 2005, are amended to read as follows:
4 15 2. An adult day services program may provide any type of
4 16 adult day services for which the program is certified,
4 17 ~~including any special classification of adult day services.~~
4 18 An adult day services program shall provide services and
4 19 supervision commensurate with the needs of the ~~recipients~~
4 20 participants. An adult day services program shall not provide
4 21 services to individuals requiring a level or type of services
4 22 for which the program is not certified and services provided
4 23 shall not exceed the level or type of services for which the
4 24 program is certified.
4 25 4. A department, agency, or officer of this state or of
4 26 any governmental unit shall not pay or approve for payment
4 27 from public funds any amount to an adult day services program
4 28 for an actual or prospective ~~recipient participant~~, unless the
4 29 program holds a current certificate issued by the department
4 30 of inspections and appeals and meets all current requirements
4 31 for certification.
4 32 5. The department shall adopt rules regarding the
4 33 conducting or operating of another business or activity in the
4 34 distinct part of the physical structure in which the adult day
4 35 services program is provided, if the business or activity
5 1 ~~serves nonrecipients of adult day services persons who are not~~
5 2 ~~participants.~~ The rules shall be developed in consultation
5 3 with the department of inspections and appeals and affected
5 4 industry, professional, and consumer groups.
5 5 Sec. 4. Section 231D.3, Code 2005, is amended by adding
5 6 the following new subsections:
5 7 NEW SUBSECTION. 6. The department of elder affairs and
5 8 the department of inspections and appeals shall conduct joint
5 9 training sessions for personnel responsible for conducting
5 10 monitoring evaluations and complaint investigations of adult
5 11 day services programs.
5 12 NEW SUBSECTION. 7. Certification of an adult day services
5 13 program shall be for two years unless revoked for good cause
5 14 by the department of inspections and appeals.
5 15 Sec. 5. Section 231D.4, subsection 2, paragraph b, Code
5 16 2005, is amended by adding the following new subparagraph:

5 17 NEW SUBPARAGRAPH. (5) For certification via a national
5 18 body of accreditation, one hundred twenty-five dollars.
5 19 Sec. 6. Section 231D.5, subsection 1, Code 2005, is
5 20 amended to read as follows:
5 21 1. The department of inspections and appeals may deny,
5 22 suspend, or revoke certification if the department of
5 23 inspections and appeals finds that there has been a
5 24 substantial or repeated failure on the part of the adult day
5 25 services program to comply with this chapter or the rules or
5 26 minimum standards adopted pursuant to this chapter, or for any
5 27 of the following reasons:

5 28 ~~a. Cruelty or indifference to adult day services program~~
5 29 ~~service recipients.~~

5 30 ~~b. a. Appropriation or conversion of the property of an~~
5 31 ~~adult day services program service recipient a participant~~
5 32 ~~without the recipient's participant's written consent or the~~
5 33 ~~written consent of the service recipient's participant's legal~~
5 34 ~~guardian representative.~~

5 35 ~~c. b. Permitting, aiding, or abetting the commission of~~
6 1 ~~any illegal act in the adult day services program.~~

6 2 ~~d. c. Obtaining or attempting to obtain or retain~~
6 3 ~~certification by fraudulent means, misrepresentation, or by~~
6 4 ~~submitting false information.~~

6 5 ~~e. d. Habitual intoxication or addiction to the use of~~
6 6 ~~drugs by the applicant, owner, manager, or supervisor of the~~
6 7 ~~adult day services program.~~

6 8 ~~f. e. Securing the devise or bequest of the property of a~~
6 9 ~~recipient of services of an adult day services program~~
6 10 ~~participant by undue influence.~~

6 11 ~~g. f. Failure or neglect to maintain a required~~
6 12 ~~continuing education and training program for all personnel~~
6 13 ~~employed in the adult day services program.~~

6 14 ~~h. g. Founded dependent adult abuse as defined in section~~
6 15 ~~235B.2.~~

6 16 ~~h. In the case of any officer, member of the board of~~
6 17 ~~directors, trustee, or designated manager of the program or~~
6 18 ~~any stockholder, partner, or individual who has greater than a~~
6 19 ~~five percent equity interest in the program, who has or has~~
6 20 ~~had an ownership interest in an adult day services program,~~
6 21 ~~assisted living program, elder group home, home health agency,~~
6 22 ~~residential care facility, or licensed nursing facility in any~~
6 23 ~~state which has been closed due to removal of program, agency,~~
6 24 ~~or facility licensure or certification or involuntary~~
6 25 ~~termination from participation in either the medical~~
6 26 ~~assistance or Medicare programs, or who has been found to have~~
6 27 ~~failed to provide adequate protection or services for~~
6 28 ~~participants to prevent abuse or neglect.~~

6 29 ~~i. In the case of a certificate applicant or an existing~~
6 30 ~~certified owner or operator who is an entity other than an~~
6 31 ~~individual, the person is in a position of control or is an~~
6 32 ~~officer of the entity and engages in any act or omission~~
6 33 ~~proscribed by this chapter.~~

6 34 ~~i. j. For any other reason as provided by law or~~
6 35 ~~administrative rule.~~

7 1 Sec. 7. Section 231D.6, subsection 3, Code 2005, is
7 2 amended to read as follows:

7 3 3. When the department of inspections and appeals finds
7 4 that an immediate danger to the health or safety of ~~recipients~~
7 5 ~~of services from participants in~~ an adult day services program
7 6 exists which requires action on an emergency basis, the
7 7 department of inspections and appeals may direct the removal
7 8 of all ~~recipients of services from an participants in the~~
7 9 adult day services program and suspend the certificate prior
7 10 to a hearing.

7 11 Sec. 8. Section 231D.9, subsection 1, Code 2005, is
7 12 amended to read as follows:

7 13 1. A person with concerns regarding the operations or
7 14 service delivery of an adult day services program may file a
7 15 complaint with the department of inspections and appeals. The
7 16 name of the person who files a complaint with the department
7 17 of inspections and appeals and any personal identifying
7 18 information of the person or any ~~recipient of program services~~
7 19 ~~participant~~ identified in the complaint shall be kept
7 20 confidential and shall not be subject to discovery, subpoena,
7 21 or other means of legal compulsion for its release to a person
7 22 other than employees of the department of inspections and
7 23 appeals involved in the investigation of the complaint.

7 24 Sec. 9. NEW SECTION. 231D.9A INFORMAL REVIEW.

7 25 1. If an adult day services program contests the findings
7 26 of regulatory insufficiencies of a monitoring evaluation or
7 27 complaint investigation, the program shall submit written

7 28 information, demonstrating that the program was in compliance
7 29 with the applicable requirement at the time of the monitoring
7 30 evaluation or complaint investigation, to the department of
7 31 inspections and appeals for review.

7 32 2. The department of inspections and appeals shall review
7 33 the written information submitted within ten working days of
7 34 the receipt of the information. At the conclusion of the
7 35 review, the department of inspections and appeals may affirm,
8 1 modify, or dismiss the regulatory insufficiencies. The
8 2 department of inspections and appeals shall notify the program
8 3 in writing of the decision to affirm, modify, or dismiss the
8 4 regulatory insufficiencies, and the reasons for the decision.

8 5 3. In the case of a complaint investigation, the
8 6 department of inspections and appeals shall also notify the
8 7 complainant, if known, of the decision and the reasons for the
8 8 decision.

8 9 Sec. 10. Section 231D.10, Code 2005, is amended to read as
8 10 follows:

8 11 231D.10 PUBLIC DISCLOSURE OF FINDINGS.

8 12 ~~Following~~ Upon completion of a monitoring evaluation or
8 13 complaint investigation of an adult day services program by
8 14 the department of inspections and appeals pursuant to this
8 15 chapter, including the conclusion of all administrative
8 16 appeals processes, the department's final findings with
8 17 respect to compliance by the adult day services program with
8 18 requirements for certification shall be made available to the
8 19 public in a readily available form and place. Other
8 20 information relating to an adult day services program that is
8 21 obtained by the department of inspections and appeals which
8 22 does not constitute the department's final findings from a
8 23 monitoring evaluation or complaint investigation of the adult
8 24 day services program shall be made available to the department
8 25 upon request to facilitate policy decisions, but shall not be
8 26 made available to the public except in proceedings involving
8 27 the denial, suspension, or revocation of a certificate under
8 28 this chapter.

8 29 Sec. 11. Section 231D.11, Code 2005, is amended to read as
8 30 follows:

8 31 231D.11 PENALTIES.

8 32 1. A person establishing, conducting, managing, or
8 33 operating an adult day services program without a certificate
8 34 is guilty of a serious misdemeanor. Each day of continuing
8 35 violation after conviction or notice from the department of
9 1 inspections and appeals by certified mail of a violation shall
9 2 be considered a separate offense or chargeable offense. A
9 3 person establishing, conducting, managing, or operating an
9 4 adult day services program without a certificate may be
9 5 temporarily or permanently restrained by a court of competent
9 6 jurisdiction from such activity in an action brought by the
9 7 state.

~~9 8 2. A person who prevents or interferes with or attempts to~~
~~9 9 impede in any way any duly authorized representative of the~~
~~9 10 department of inspections and appeals in the lawful~~
~~9 11 enforcement of this chapter or of the rules adopted pursuant~~
~~9 12 to this chapter is guilty of a simple misdemeanor. As used in~~
~~9 13 this subsection, lawful enforcement includes but is not~~
~~9 14 limited to:~~

~~9 15 a. Contacting or interviewing any participant of an adult~~
~~9 16 day services program in private at any reasonable hour and~~
~~9 17 without advance notice.~~

~~9 18 b. Examining any relevant records of an adult day services~~
~~9 19 program.~~

~~9 20 c. Preserving evidence of any violation of this chapter or~~
~~9 21 of the rules adopted pursuant to this chapter.~~

9 22 3. 2. A civil penalty, as established by rule, may apply
9 23 in any of the following situations:

9 24 a. Program noncompliance with one or more regulatory
9 25 requirements has caused or is likely to cause harm, serious
9 26 injury, threat, or death to a ~~recipient of program services~~
9 27 participant.

9 28 b. Program failure or refusal to comply with regulatory
9 29 requirements within prescribed time frames.

9 30 c. Preventing or interfering with or attempting to impede
9 31 in any way any duly authorized representative of the
9 32 department of inspections and appeals in the lawful
9 33 enforcement of this chapter or of the rules adopted pursuant
9 34 to this chapter. As used in this paragraph, "lawful
9 35 enforcement" includes but is not limited to:

10 1 (1) Contacting or interviewing any participant in an adult
10 2 day services program in private at any reasonable hour and
10 3 without advance notice.

10 4 (2) Examining any relevant records of an adult day
10 5 services program.

10 6 (3) Preserving evidence of any violation of this chapter
10 7 or of the rules adopted pursuant to this chapter.

10 8 Sec. 12. Section 231D.12, Code 2005, is amended to read as
10 9 follows:

10 10 231D.12 RETALIATION BY AN ADULT DAY SERVICES PROGRAM
10 11 PROHIBITED.

10 12 1. An adult day services program shall not discriminate or
10 13 retaliate in any way against a ~~recipient participant~~,
10 14 ~~recipient's participant's~~ family, or an employee of the
10 15 program who has initiated or participated in any proceeding
10 16 authorized by this chapter. An adult day services program
10 17 that violates this section is subject to a penalty as
10 18 established by administrative rule, to be assessed and
10 19 collected by the department of inspections and appeals and
10 20 paid into the state treasury to be credited to the general
10 21 fund of the state.

10 22 2. Any attempt to discharge a ~~recipient participant~~ from
10 23 an adult day services program by whom or upon whose behalf a
10 24 complaint has been submitted to the department of inspections
10 25 and appeals under section 231D.9, within ninety days after the
10 26 filing of the complaint or the conclusion of any proceeding
10 27 resulting from the complaint, shall raise a rebuttable
10 28 presumption that the action was taken by the program in
10 29 retaliation for the filing of the complaint, except in
10 30 situations in which the ~~recipient participant~~ is discharged
10 31 due to changes in health status which exceed the level of care
10 32 offered by the adult day services program or in other
10 33 situations as specified by rule.

10 34 Sec. 13. NEW SECTION. 231D.13A MEDICATION SETUP ==
10 35 ADMINISTRATION AND STORAGE OF MEDICATIONS.

11 1 1. An adult day services program may provide for
11 2 medication setup if requested by a participant or the
11 3 participant's legal representative. If medication setup is
11 4 provided following such request, the program shall be
11 5 responsible for the specific task requested and the
11 6 participant shall retain responsibility for those tasks not
11 7 requested to be provided.

11 8 2. If medications are administered or stored by an adult
11 9 day services program, or if the adult day services program
11 10 provides for medication setup, all of the following shall
11 11 apply:

11 12 a. If administration of medications is delegated to the
11 13 program by the participant or the participant's legal
11 14 representative, the medications shall be administered by a
11 15 registered nurse, licensed practical nurse, or advanced
11 16 registered nurse practitioner licensed or registered in Iowa
11 17 or by the individual to whom such licensed or registered
11 18 individuals may properly delegate administration of
11 19 medications.

11 20 b. Medications, other than those self-administered by the
11 21 participant or provided through medication setup, shall be
11 22 stored in locked storage that is not accessible to persons
11 23 other than employees responsible for administration or storage
11 24 of medications.

11 25 c. Medications shall be labeled and maintained in
11 26 compliance with label instructions and state and federal law.

11 27 d. A person, other than a person authorized to prescribe
11 28 prescription drugs under state and federal law, shall not
11 29 alter the prescription of a participant.

11 30 e. Medications shall be stored in their originally
11 31 received containers.

11 32 f. If medication setup is provided by the program at the
11 33 request of the participant or the participant's legal
11 34 representative, or if medication administration is delegated
11 35 to the program by the participant or the participant's legal
12 1 representative, appropriate staff of the program may transfer
12 2 the medications in the participant's presence from the
12 3 original prescription container to medication dispensing
12 4 containers, reminder containers, or medication cups.

12 5 g. Program assistance with medication administration as
12 6 specified in the contractual agreement shall not require the
12 7 program to provide assistance with the storage of medications.

12 8 Sec. 14. Section 231D.16, Code 2005, is amended to read as
12 9 follows:

12 10 231D.16 ~~TRANSITION PROVISIONS~~ PROVISION.

12 11 ~~1. Adult day services programs voluntarily accredited by a~~
12 12 ~~recognized accrediting entity prior to July 1, 2003, shall~~
12 13 ~~comply with this chapter by June 30, 2004.~~

12 14 ~~2. 1.~~ Adult day services programs that are serving at

12 15 least two but not more than five persons that are not
12 16 voluntarily accredited by a recognized accrediting entity
12 17 prior to July 1, 2003, shall comply with this chapter by June
12 18 30, 2005.

12 19 2. A hospital licensed pursuant to chapter 135B, a health
12 20 care facility licensed pursuant to chapter 135C, or an
12 21 assisted living program certified pursuant to chapter 231C may
12 22 operate an adult day services program if the adult day
12 23 services program is certified pursuant to this chapter.

12 24 3. A certified adult day services program that complies
12 25 with the requirements of this chapter shall not be required to
12 26 be licensed or certified as another type of facility, unless
12 27 the facility is represented to the public as another type of
12 28 facility.

12 29 Sec. 15. NEW SECTION. 231D.17 WRITTEN CONTRACTUAL
12 30 AGREEMENT REQUIRED.

12 31 1. An adult day services program shall not operate in this
12 32 state unless a written contractual agreement is executed
12 33 between the adult day services program and each participant or
12 34 the participant's legal representative prior to the
12 35 participant's admission to the program, and unless the adult
13 1 day services program operates in accordance with the terms of
13 2 the written contractual agreement. The adult day services
13 3 program shall deliver to the participant or the participant's
13 4 legal representative a complete copy of the written
13 5 contractual agreement and all supporting documents and
13 6 attachments, prior to the participant's admission to the
13 7 program, and shall also deliver a written copy of changes to
13 8 the written contractual agreement, if any changes to the copy
13 9 originally delivered are subsequently made, at least thirty
13 10 days prior to any changes, unless otherwise provided in this
13 11 section.

13 12 2. An adult day services program written contractual
13 13 agreement shall clearly describe the rights and
13 14 responsibilities of the participant and the program. The
13 15 written contractual agreement shall also include but is not
13 16 limited to inclusion of all of the following information in
13 17 the body of the agreement or in the supporting documents and
13 18 attachments:

13 19 a. A description of all fees, charges, and rates
13 20 describing admission and basic services covered, and any
13 21 additional and optional services and their related costs.

13 22 b. A statement regarding the impact of the fee structure
13 23 on third-party payments, and whether third-party payments and
13 24 resources are accepted by the adult day services program.

13 25 c. The procedure followed for nonpayment of fees.

13 26 d. Identification of the party responsible for payment of
13 27 fees and identification of the participant's legal
13 28 representative, if any.

13 29 e. The term of the written contractual agreement.

13 30 f. A statement that the adult day services program shall
13 31 notify the participant or the participant's legal
13 32 representative, as applicable, in writing at least thirty days
13 33 prior to any change being made in the written contractual
13 34 agreement, with the following exceptions:

13 35 (1) When the participant's health status or behavior
14 1 constitutes a substantial threat to the health or safety of
14 2 the participant, other participants, or others, including when
14 3 the participant refuses to consent to discharge.

14 4 (2) When an emergency or a significant change in the
14 5 participant's condition results in the need for the provision
14 6 of services that exceed the type or level of services included
14 7 in the written contractual agreement and the necessary
14 8 services cannot be safely provided by the adult day services
14 9 program.

14 10 g. A statement that all participant information shall be
14 11 maintained in a confidential manner to the extent required
14 12 under state and federal law.

14 13 h. Discharge, involuntary transfer, and transfer criteria
14 14 and procedures, which ensure a safe and orderly transfer.

14 15 i. The internal appeals process provided relative to an
14 16 involuntary transfer.

14 17 j. The program's policies and procedures for addressing
14 18 grievances between the adult day services program and the
14 19 participants, including grievances relating to transfer and
14 20 occupancy.

14 21 k. A statement of the prohibition against retaliation as
14 22 prescribed in section 231D.12.

14 23 l. The emergency response policy.

14 24 m. The staffing policy which specifies staff is available
14 25 during all times of program operation, if nurse delegation

14 26 will be used, and how staffing will be adapted to meet
14 27 changing participant needs.
14 28 n. In dementia-specific adult day services programs, a
14 29 description of the services and programming provided to meet
14 30 the life skills and social activities of participants.
14 31 o. The refund policy.
14 32 p. A statement regarding billing and payment procedures.
14 33 3. Written contractual agreements and related documents
14 34 executed by each participant or participant's legal
14 35 representative shall be maintained by the adult day services
15 1 program in program files from the date of execution until
15 2 three years from the date the written contractual agreement is
15 3 terminated. A copy of the most current written contractual
15 4 agreement shall be provided to members of the general public,
15 5 upon request. Written contractual agreements and related
15 6 documents shall be made available for on-site inspection to
15 7 the department of inspections and appeals upon request and at
15 8 reasonable times.

15 9 Sec. 16. NEW SECTION. 231D.18 INVOLUNTARY TRANSFER.

15 10 1. If an adult day services program initiates the
15 11 involuntary transfer of a participant and the action is not a
15 12 result of a monitoring evaluation or complaint investigation
15 13 by the department of inspections and appeals, and if the
15 14 participant or participant's legal representative contests the
15 15 transfer, the following procedure shall apply:

15 16 a. The adult day services program shall notify the
15 17 participant or participant's legal representative, in
15 18 accordance with the written contractual agreement, of the need
15 19 to transfer and the reason for the transfer.

15 20 b. If, following the internal appeals process, the adult
15 21 day services program upholds the transfer decision, the
15 22 participant or participant's legal representative may utilize
15 23 other remedies authorized by law to contest the transfer.

15 24 2. The department, in consultation with the department of
15 25 inspections and appeals and affected industry, professional,
15 26 and consumer groups, shall establish by rule, in accordance
15 27 with chapter 17A, procedures to be followed, including the
15 28 opportunity for hearing, when the transfer of a participant
15 29 results from a monitoring evaluation or complaint
15 30 investigation conducted by the department of inspections and
15 31 appeals.

15 32 Sec. 17. EFFECTIVE DATE. This Act, being deemed of
15 33 immediate importance, takes effect upon enactment.
15 34
15 35

16 1
16 2 _____
16 3 CHRISTOPHER C. RANTS
16 4 Speaker of the House
16 5

16 6
16 7 _____
16 8 JOHN P. KIBBIE
16 9 President of the Senate

16 10 I hereby certify that this bill originated in the House and
16 11 is known as House File 587, Eighty-first General Assembly.
16 12
16 13

16 14
16 15 _____
16 16 MARGARET THOMSON
16 17 Chief Clerk of the House

16 17 Approved _____, 2005
16 18
16 19

16 20
16 21 _____
16 22 THOMAS J. VILSACK
Governor